

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-HC-2048-BR**

JOSEPH DIXON MIDYETTE,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
JEFF SESSIONS,)	
)	
Respondent.)	
)	

On 27 February 2017, petitioner, a state inmate proceeding pro se, filed a handwritten petition for writ of habeas corpus together with a one-page exhibit. (DE # 1.) On 3 April 2017, petitioner filed a letter motion to withdraw his petition. (DE # 8.) A petitioner may dismiss an action voluntarily, without an order of the court, by filing a notice of dismissal at any time before the respondent serves either an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). To date, respondent has not served an answer or filed a motion for summary judgment. Accordingly, petitioner's motion for voluntary dismissal (DE # 8) is ALLOWED, and the petition is dismissed without prejudice. The Clerk shall close this case.

This 3 August 2017.



W. Earl Britt
Senior U.S. District Judge